

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- ETHICON WAVE 6 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327  JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
--	---

**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION CHALLENGING THE  
GENERAL-CAUSATION OPINIONS OF BRIAN RAYBON, M.D. FOR WAVE 6**

Defendants hereby adopt and incorporate by reference the *Daubert* motion challenging the general-causation opinion testimony of Brian Raybon, M.D. filed in Ethicon Wave 1, Dkt. 2115 (motion) and Dkt. 2116 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Raybon’s general-causation testimony for the reasons expressed in the Wave 1 briefing and, as to his warnings opinions, to exclude them for the additional reason that Dr. Raybon lacks the “additional expertise” required to give those opinions as found by this Court in *In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2016 WL 4536876, at \*3 (S.D.W. Va. Aug. 30, 2016) (excluding Dr. Raybon’s opinions about “what information should or should not be included in an IFU” because he “does not possess the additional expertise to offer expert testimony about what an IFU should or should not include”).

This notice applies to the Wave 6 cases identified in Exhibit A attached here.<sup>1</sup>

---

<sup>1</sup> Except as to cases involving the TVT, TVT-O, and TVT-S products in *Tammy Dillbeck v. Ethicon, Inc.*, *Margo Ellis v. Ethicon, Inc.*, *Monda Erskine v. Ethicon, Inc.*, *Christine Heatherman v. Ethicon, Inc.*, *Theresse Henry v. Ethicon, Inc.*, *Ruby Lawler v. Ethicon, Inc.*, *Jackie Wherter v. Ethicon, Inc.*, and *Sue Sisk v. Ethicon, Inc.* noted on the attached Exhibit A because Dr. Raybon does not offer general-causation opinions as to the TVT, TVT-O, and TVT-S products.

Respectfully submitted,

ETHICON, INC. and JOHNSON & JOHNSON

/s/ Rita A. Maimbourg

Rita A. Maimbourg  
TUCKER ELLIS LLP  
950 Main Avenue, Suite 1100  
Cleveland, OH 44113-7213  
Telephone: 216.592.5000  
Facsimile: 216.592.5002  
[rita.maimbourg@tuckerellis.com](mailto:rita.maimbourg@tuckerellis.com)

/s/ David B. Thomas

David B. Thomas  
THOMAS COMBS & SPANN PLLC  
300 Summers St.  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 25338  
Telephone: 304.414.1807  
[dthomas@tcspllc.com](mailto:dthomas@tcspllc.com)

/s/ Christy D. Jones

Christy D. Jones  
BUTLER SNOW LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
Telephone: 601.985.4523  
[christy.jones@butlersnow.com](mailto:christy.jones@butlersnow.com)

**CERTIFICATE OF SERVICE**

I certify that on October 23, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Telephone: 216.592.5000

Facsimile: 216.592.5002

[rita.maimbourg@tuckerellis.com](mailto:rita.maimbourg@tuckerellis.com)